

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

JENNIFER FRANCES MIFSUD,

Plaintiff,

v.

Case No. 13-15043
Hon. Denise Page Hood

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

**ORDER ACCEPTING REPORT AND RECOMMENDATION
and
DISMISSING ACTION**

This matter is before the Court on Magistrate Judge Charles E. Binder's Report and Recommendation. **[Doc. No. 9, filed December 9, 2014]** To date, no objections have been filed to the R&R and the time to file such has passed.

Judicial review of the Commissioner's decision is limited in scope to determining whether the Commissioner employed the proper legal criteria in reaching his conclusion. *Garner v. Heckler*, 745 F.2d 383 (6th Cir. 1984). The credibility findings of an administrative law judge ("ALJ") must not be discarded lightly and should be accorded great deference. *Hardaway v. Secretary of Health and Human Services*, 823 F.2d 922, 928 (6th Cir. 1987). A district court's review of an ALJ's decision is not a de novo review. The district court may not resolve conflicts in the evidence nor decide questions of credibility. *Garner*, 745 F.2d at

397. The decision of the Commissioner must be upheld if supported by substantial evidence, even if the record might support a contrary decision or if the district court arrives at a different conclusion. *Smith v. Secretary of HHS*, 893 F.2d 106, 108 (6th Cir. 1984); *Mullen v. Bowen*, 800 F.2d 535, 545 (6th Cir. 1986).

The Court has had an opportunity to review this matter and finds that the Magistrate Judge reached the correct conclusions for the proper reasons. The Court agrees with the Magistrate Judge that the medical evidence does not support Plaintiff's claim that she was bedridden because of totally disabling pain of her back, neck, shoulder and head. The Court further agrees that the ALJ's conclusion was based on objective medical evidence and Plaintiff's own reported daily activities. The Court also agrees that the opinion of Plaintiff's treating physician need not be given any special weight since there is little objective evidence to support the opinion. The Magistrate Judge reviewed the ALJ's findings and the record in reaching his conclusion. The Court accepts the Magistrate Judge's Report and Recommendation as this Court's findings of fact and conclusions of law that Plaintiff retained the residual functional capacity to return to her past sedentary work.

For the reasons set forth above,

IT IS ORDERED that the Report and Recommendation of Magistrate Judge Charles E. Binder [**Doc. No. 21, filed December 9, 2014**] is **ACCEPTED** and **ADOPTED** as this Court's findings of fact and conclusions of law.

IT IS FURTHER ORDERED that Plaintiff's Motion for Summary Judgment [**Doc. No. 19, filed August 5, 2014**] is **DENIED**.

IT IS FURTHER ORDERED that Defendant's Motion for Summary Judgment [**Doc. No. 20, filed September 3, 2014**] is **GRANTED**.

IT IS FURTHER ORDERED that this action is **DISMISSED** with prejudice.

S/Denise Page Hood
Denise Page Hood
United States District Judge

Dated: January 30, 2015

I hereby certify that a copy of the foregoing document was served upon counsel of record on January 30, 2015, by electronic and/or ordinary mail.

S/LaShawn R. Saulsberry
Case Manager